

STATE OF CALIFORNIA – DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
POSITION DUTY STATEMENT
 DFPI-HR0 203 (Rev. 08-21)



NAME [Name of candidate hired]	EFFECTIVE DATE [Date position filled]
CLASSIFICATION TITLE Career Executive Appointment (CEA), Level B	POSITION NUMBER 410-103-7500-001
WORKING TITLE Deputy Commissioner, Legal	DIVISION/OFFICE/UNIT/SECTION Legal Division
BARGAINING UNIT M02	GEOGRAPHIC LOCATION Sacramento, LA, SF, SD

General Statement: Under the general direction of the General Counsel, the Deputy Commissioner is responsible for the legal program of the Department of Financial Protection and Innovation (DFPI). This includes planning, organizing, directing, coordinating, and reviewing the work of the professional legal staff; acting as legal advisor to the top management; preparing legislation and representing the Department before the Legislature; formulating legal policy; acting as the chief operating officer on Legal matters; and participating as a member of top management in the development and implementation of department policy. Duties include, but are not limited to:

A. Specific Assignments [Essential (E) / Marginal (M) Functions]:

35% Leadership (E): Directly managing and working with four (4) Assistant Chief Counsel staff in Legal. Plans, organizes, and directs the work of the Legal Division consisting of examiners, attorneys, and support staff. Provides policy and program direction for the Security Regulation program and Franchise Regulation program. Conducts meetings to deny or resolve questions on applications/licensees, including financial closings for securities. Performs and coordinates legal work in liquidations of financial institutions conducted by the Department. Develops comprehensive management plans to address the Department's short and long-term business regulations needs. Advises the Commissioner, Chief Deputy Commissioner, General Counsel in the development of strategies, goals, and program objectives in the area of business regulation. Serves as a member of the Executive Committee. Identifies and implements improvements for the Legal Division programs. Collaborates with other programs in the Department to ensure operations run effectively through the entire business process.

30% Legal Advisor (E): Serves as an advisor to the Commissioner, Chief Deputy Commissioner, General Counsel and other members of the Executive Staff by analyzing policy, reviewing issue memos, preparing policy option papers; reviews and helps finalize legal opinions, rulemaking efforts and Department positions with respect to business regulations and legislation impacting the statutes under the Department's jurisdiction. Advises the Commissioner, Chief Deputy Commissioner, and General

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Counsel concerning interpretations of law, policies, procedures, pertaining to the laws administered by the Department and Legal Division regarding application, enforcement and litigation issues. Provides oral briefings and presentations to the Commissioner, Executive Staff, Agency, and the Governor's Office on sensitive issues, policy issues, and business regulation matters. Provides interpretations and analyses of laws, regulations and court rulings affecting the programs, duties, functions and responsibilities of the Department. Disseminates laws and regulations to Department staff and provides summaries, outlines and educational programs to enable staff to apply the laws and regulations in an appropriate manner. Prepares periodic reports to the Commissioner/Chief Deputy Commissioner and General Counsel relative to the activities of business regulations.

10% Legal Policy and Planning Director (E): Participate as a member of the Department's top management in the development and implementation of departmental policy including strategic planning for the Department and identifying needed legislation and regulations.

10% Stakeholder Liaison (E): Serves as a liaison with key business constituencies to identify concerns that may require changes in Department business regulation activities; assists the Commissioner in arranging business regulation stakeholder meetings. Represents the Commissioner, Chief Deputy Commissioner, and General Counsel as a member of various boards, task forces, and committee's and before other State, local, or federal governmental agencies in matters relating to the Department.

5% Management (E): Plans, organizes, directs and provides day-to-day managerial review of the work performed by staff in the Legal Office. Provides regular and timely written performance appraisals to staff. Counsels staff and initiates disciplinary actions as necessary. Recruits, hires, trains, develops and provides leadership to staff. Complies with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including, but not limited to: hiring, employee development and management. Identifies appropriate long-range plans and goals to address succession planning and knowledge transfer.

5% Legal Operations (E): Supervise the management of the operations of the Legal Office including development and review of budgets and preparing Budget Change Proposals.

5% Administrative (M): Performs administrative duties including, but not limited to: adheres to Department policies, rules and procedures; submits administrative requests including leave, overtime, travel, and training in a timely and appropriate manner; accurately reports time to the Lead Timekeeper and submits timesheets by the due date. Other job-related duties as required.

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B. Supervision Received

Functions with a high degree of autonomy in decision making and representing the Department before state governmental officials and their staff at the highest levels, including the Governor's office, state cabinet level officials, agency heads and the legislature. The position works closely with the General Counsel, Chief Deputy and Deputy Commissioners in providing legal counsel.

C. Supervision Exercised

The Deputy Commissioner of Legal directly manages four (4) Assistant Chief Counsel (ACC) positions, and two (2) Staff Services Manager I positions.

D. Administrative Responsibility

The incumbent performs the full range of supervisory and management duties, including, but not limited to: interpret and adhere to policies, rules, laws, regulations, and bargaining unit contracts; provide direction and guidance regarding work assignments and daily work activities to ensure timely completion of assignments; review work and evaluate performance of staff by providing regular feedback and completing timely probationary reports, annual performance appraisals, and individual development plans; monitor employee performance and, if necessary, utilize progressive discipline principles and procedures; complete personnel documentation and utilize the competitive hiring process; and approve or deny administrative requests including leave, overtime, travel, and training.

E. Personal Contacts

The Deputy Commissioner of Legal has daily contact with all levels of Legal Office and Department personnel which includes the Commissioner, Chief Deputy Commissioner, headquarters program managers and division management on a daily basis. The incumbent interacts with representatives from other State or government agencies, including control agencies, licensee organizations, contractors, consultants, and the general public.

Most of the material covered in these interactions may be highly sensitive, controversial, and confidential.

F. Actions and Consequences

The actions of the Deputy Commissioner of Legal has a direct bearing on the success, integrity and legality of the Department's Legal Office. Inadequate performance by the incumbent may delay work performed by others in the Department or compromise the mission and legal positions of the Department.

G. Functional Requirements

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The Deputy Commissioner of Legal is expected to work all hours necessary to accomplish their assignments and fulfill their responsibilities. This will normally average forty (40) hours of work per week including paid leave; however, work weeks of a longer duration may occasionally be necessary.

The Deputy Commissioner of Legal will work in close proximity with other employees in a climate-controlled building under artificial light with limited, or no viewing access to the outdoors. The incumbent is required to sit for long periods of time using a multi-line telephone, keyboard, video display terminal, and photocopiers/scanners. The incumbent will need to lift (up to 20 pounds), bend (neck and waist), stoop, squat, kneel, and twist (neck and waist) and perform repetitive hand motion. The incumbent will frequently move and walk about the office, stand for long periods of time to retrieve or replace files and/or other materials and stand or sit during meetings.

Travel via private or public transportation (i.e., automobile, airplane, rail, etc.) may be required.

H. Other Information

The Deputy Commissioner of Legal should possess a knowledge of legal principles and their applications; legal research methods, court procedures, rules of evidence and procedure; administrative law and the conduct of proceedings before administrative bodies; provisions of laws and Government Code sections administered or enforced; principles of public administration, personnel management and supervision; the department's affirmative action program objectives; a manager's role in the affirmative action program and the processes available to meet affirmative action objectives.

The Deputy Commissioner of Legal should possess the ability to analyze legal principles and precedents and apply them to complex legal and administrative problems; present statements of fact, law and argument clearly and logically in written and oral form; draft opinions, pleadings, rulings, regulations and legislation; hold hearings and independently present difficult and complex cases in court; plan, organize and direct the work of a staff of attorneys; effectively contribute to the department's affirmative action objectives.

The Deputy Commissioner of Legal shall maintain an active membership in The California State Bar.

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CONFLICT OF INTEREST

This position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Financial Protection and Innovation’s Conflict of Interest Regulations, the incumbent is required to submit a Statements of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st and within 30 days of leaving office.]

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

Employee Signature

Date

Employee’s Printed Name, Classification

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

Supervisor Signature

Date

Supervisor’s Printed Name, Classification